

REMARKS

Claims 36-45, 66 and 72-91 stand rejected under 35 U.S.C. 112 first paragraph based upon the Examiner's stated conclusion that "the specification does not reasonably provide enablement for single means for applying an inverse histogram-based mapping function to the image pixels", further "[t]he specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims" and finally "[i]t is noted that there are no means or device to perform this function... input in the claim is digital stream that goes into the processor." These grounds of rejection are traversed for the following reasons.

The specification teaches inter alia on page 20 lines 31-32 through page 21 lines 1-2, lines 8-9 and lines 11-14 that a preprocessor or preprocessing unit is utilized with respect to the embodiments as illustrated in Fig. 10 and 12-14 that the inverse histogram-based pixel mapping is implemented in a processor. Independent claims 36, 40 and 45 recite a processor or image processor which inter alia forms an inverse histogram.

A person of ordinary skill in the art understands that a processor as recited in the aforementioned independent claims is not invoking the sixth paragraph of 35 U.S.C. 112 regarding means plus function claims. For example in Newton's Telecom Dictionary in the 18th updated and expanded edition on page 591, a processor is defined as "the intelligence central element of the computer or other information handling system". It is therefore seen that the specification describes the implementation for providing the claimed inverse histogram in the rejected claims as

a processor, and further, that a processor is understood from a structural standpoint to be a known element of a computer. Accordingly, it is submitted that the Examiner's conclusion that the claimed processor invokes the means plus function construction of the sixth paragraph of 35 U.S.C. 112 is clearly erroneous. If the Examiner has any citation requiring that the recitation of a processor in a patent claim invokes the sixth paragraph of 35 U.S.C. 112 it is requested that such be immediately made of record in the prosecution history.

Moreover, each of the claims recites an input which the Examiner has concluded "is a digital data stream that goes into the processor". It is submitted that the Examiner has not properly construed the claimed "input" which is readable upon the physical signal line going into the inverse histogram processing. See the discussion at the bottom of page 20 where it is indicated that the inverse histogram based pixel mapping is a preprocessor which, for example, is illustrated in association with Fig. 14 and other drawings. The input line would be understood by a person of ordinary skill in the art to be the claimed input. Therefore, the Examiner's conclusion that the input in the claims is a digital signal stream is erroneous since the drawings clearly show a physical input line to the inverse histogram-based pixel mapping which requires the claims under rejection to be construed to be a combination of a processor and an input which are two physical structures neither of which is properly construed to be a single means.

In view of the foregoing remarks, it is submitted that claims 36-45, 66 and 72-91 are enabled by the aforementioned description in the specification regarding Figs. 10-15 with the claimed input being properly construed to read upon the physical

input line illustrated in the drawings and not a digital data stream as construed by the Examiner. Once the rejected claims are construed in this fashion they are enabled.

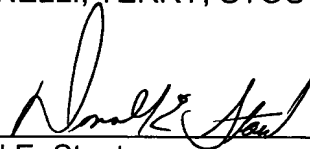
Claim 45 stands rejected under 35 U.S.C. 1.112 Second Paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 45 has been amended in the second line to delete reference to "said" which overcomes the stated antecedent basis problem as noted by the rejection of claim 45.

In view of the foregoing remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (367.39427X00).

Respectfully submitted,

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